

Notice of Allowability

Application No.

09/867,181

Examiner

Robert M. Pond

Applicant(s)

JONES, DANA HOWARD

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment (2/21/07); Interviews (see below); (Examiner's Amendment (20070511)).
2. ☒ The allowed claim(s) is/are 1,4,5,9,11-13,24,27-29 and 36-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20070511-A.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Interview 20070605, 20070606.


Primary Examiner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization

Authorization for this examiner's amendment was given in telephone interviews with Mr. David Yang, Reg. #44,415 on 11 May 2007, 05 June 2007, and 06 June 2007.

Allowed Claims

Claims 1, 4, 5, 9, 11-13, 24, 27-29, and 36-40 entered 21 February 2007 are allowed. The Applicant canceled claims 2, 6-8, 17, 19-20, 25, 32, 33, and 35, entered 21 February 2007. Claims 3, 10, 14-16, 18, 21-23, 26, 30, 31, and 34 are canceled per this Examiner's Amendment.

In the Claims

The claims entered on 21 February 2007 are amended as follows:

- Delete claim 1 in its entirety and insert therefore:
 - -1. A method for distribution of products over the Internet via a facilitator, said method comprising the steps of:

a first step of receiving, from a content provider, media products that are covered by intellectual-property rights protection and are available for purchase, wherein each said media product being comprised of at least one of text data, music data, and video data;

a second step of selecting a sponsor message to be associated with the media product, said sponsor message being selected from a plurality of sponsor messages, said second step including accessing an activity log to verify that the total number of times which the sponsor message has been previously presented is less than the number of transaction cycles contracted by the sponsor of the sponsor message;

a third step of providing the media product for sale at an Internet website;

a fourth step of restricting general public access to said media product;

a fifth step of offering to a consumer access to the media product without charge to the consumer on the precondition that the consumer views the sponsor message;

a sixth step of receiving from the consumer a request to view the sponsor message, wherein the consumer submits said request in response to being offered access to the media product;

a seventh step of, in response to receiving the request from the consumer, facilitating the display of a sponsor message to the consumer;

an eighth step of, if the sponsor message is not an interactive message, allowing said consumer access to said media product after said step of facilitating the display of said sponsor message;

a ninth step of, if the sponsor message is an interactive message, presenting at least one query to the consumer and allowing said consumer access to said media product after receiving a response to said at least one query;

a tenth step of recording the transaction event to the activity log, said tenth step including updating the total number of times the sponsor message has been presented; and

an eleventh step of receiving payment from the sponsor of the sponsor message displayed.- -

- Delete claim 24 in its entirety and insert therefore:

- -Claim 24. A method for distribution of products over the Internet via a facilitator, said method comprising the steps of:

a first step of providing a product list on an Internet website, wherein at least some of the products are media products covered by intellectual property rights protection and are available for purchase, said media products being provided by content providers, wherein each said media product is comprised of at least one of text data, sound data, and video data;

a second step of selecting a sponsor message to be associated with at least one of said media products, said sponsor message being selected from a

Art Unit: 3625

plurality of sponsor messages, said second step including accessing an activity log to verify that the total number of times which the sponsor message has been previously presented is less than the number of transaction cycles contracted by the sponsor of the sponsor message;

a third step of restricting general public access to said media products;

a fourth step of offering to a consumer access to a requested media product available for purchase without charge to the consumer on the precondition that the consumer views the sponsor message;

a fifth step of receiving from the consumer a request to view a sponsor message in response to said step of offering;

a sixth step of facilitating the display of a sponsor message to the consumer in response to receiving the request;

a seventh step of, if the sponsor message is not an interactive message, allowing said consumer access to said requested media product after said step of facilitating the display of said sponsor message;

an eighth step of, if the sponsor message is an interactive message, presenting at least one query to the consumer and allowing said consumer access to said media product after receiving a response to said at least one query;

a ninth step of recording the transaction event to the activity log, said ninth step including updating the total number of times the sponsor message has been presented; and

a tenth step of receiving payment from the sponsor of the sponsor message displayed.- - -

- Claim 11, claim line 1, delete "10" and insert therefore: - -1- -
- Claim 11, claim line 2, after "content provider" and insert therefore: - -by said facilitator- -
- Delete claim 27 in its entirety and insert therefore:
- -Claim 27. The method for distribution of products of Claim 24, further comprising the step of tendering payment to the content provider by said facilitator.- -
- Claim 40, claim line 1, delete "Claims 1, 16, or 24" and insert therefore:
- -Claims 1 or 24- -

In the Specification

The specification entered 21 May 2001 is amended as follows:

- Delete paragraph starting on page 9, line 22 and concluding on page 10, line 3 in its entirety and insert therefore:
- -Additional agreement specifics include guidelines for the content of the message itself: its compatibility to run on said telecommunications network; its dimensions in pixels; its file size; its duration; the number of queries that preferably require responses from the consumer; consumer privacy issues; community moral standards, review and approval prior to use by facilitator.- -
- Delete paragraph on page 14, lines 1-7 in its entirety and insert therefore:

- In step (cc) interposed sponsor prepares message per guidelines for the content of the message itself: its compatibility to run on said telecommunications network; its dimensions in pixels; its file size; its duration; the number of queries that preferably require responses from the consumer; consumer privacy issues; review and approval prior to use by facilitator. Interposed sponsor provides facilitator with access to the message (dd), by either making it available on interposed sponsor's computer 40A connected to said telecommunications network, or by sending a copy to reside at facilitator's site 10A.- -

Reasons for Allowability

The field of invention is directed to a method and system for distributing intellectual property products that are available for purchase by consumers through a facilitator's website acting on behalf of content providers and sponsors.

Pertaining to method claims 1 and 24: The claimed invention distributes media products covered by intellectual property rights available for purchase via a facilitator's website. The facilitator grants a consumer access without charge to the consumer on the precondition that the consumer views a sponsor message associated with the selected content before accessing the selected content. Once the sponsor message is viewed, the consumer accesses the content without charge to the consumer and the facilitator subsequently receives payment from the sponsor for the viewed sponsor's message. The prior art on record neither alone nor in combination with supporting prior art teach and

suggest the ordered combination of a second step of selecting a sponsor message to be associated with at least one of said media products, said sponsor message being selected from a plurality of sponsor messages, said second step including accessing an activity log to verify that the total number of times which the sponsor message has been previously presented is less than the number of transaction cycles contracted by the sponsor of the sponsor message, a fourth step of offering to a consumer access to a media product without charge to the consumer on the precondition that the consumer views the sponsor message, and subsequent to a ninth step, a tenth step of receiving payment from the sponsor of the sponsor message displayed.

Closest US Patent/Application

Neel (US 5,838,314)

Neel discloses an interactive video services system that offers a viewer an incentive of a free movie provided the viewer agrees to view an interactive advertisement. Neel, however, neither alone nor in combination with supporting prior art teach and suggest the ordered combination of a second step of selecting a sponsor message to be associated with at least one of said media products, said sponsor message being selected from a plurality of sponsor messages, said second step including accessing an activity log to verify that the total number of times which the sponsor message has been previously presented is less than the number of transaction cycles contracted by the sponsor of the sponsor message,

a fourth step of offering to a consumer access to a media product without charge to the consumer on the precondition that the consumer views the sponsor message, and subsequent to a ninth step, a tenth step of receiving payment from the sponsor of the sponsor message displayed.

Forward and backward citations of Neel failed to produce prior art that either alone or in combination with Neel teach and suggest the claimed invention.

Goldhaber (Paper #20060522-A, US 5,794,210)

Goldhaber discloses "orthogonal sponsorship" programs by which direct financial incentives (e.g., "CyberCoin") are provided to consumers who elect to view certain advertisements that are presented to them by "attention brokers." Specifically, a consumer is presented with a list of advertisements each of which may be selected by a consumer to view in exchange for receiving direct cash deposit into the consumer's pre-established account. The digital cash or similar financial credits accumulated by the consumer can be later used by the consumer to purchase goods or services. Goldhaber does not contain any disclosure or suggestion of distributing media products and does not teach or suggest distributing products of any kind. Goldhaber is directed to the concept of "attention brokering," wherein consumers are financially compensated for viewing advertisements. Goldhaber does not disclose or suggest distributing, or make available for accessing, media products to consumers. The "CyberCoin" disclosed in Goldhaber refers to cash or coupons (financial commodity), not

media products. The CyberCoins are not provided by content providers, are not protected by intellectual-property rights, and are not offered for sale.

Goldhaber, however, neither alone nor in combination with supporting prior art teach and suggest the ordered combination of a second step of selecting a sponsor message to be associated with at least one of said media products, said sponsor message being selected from a plurality of sponsor messages, said second step including accessing an activity log to verify that the total number of times which the sponsor message has been previously presented is less than the number of transaction cycles contracted by the sponsor of the sponsor message, a fourth step of offering to a consumer access to a media product without charge to the consumer on the precondition that the consumer views the sponsor message, and subsequent to a ninth step, a tenth step of receiving payment from the sponsor of the sponsor message displayed.

Closest Non-patent Literature

Alexander (Paper #20061126, Item U)

Alexander is a news article from Startribune.com that discusses certain prevailing Internet offers. Specifically, Alexander discloses various offers made to consumers via the Internet, such as free long-distance services, music and Internet access, etc. Alexander discloses offering free products and services to attract people who then view web site advertising that may be tailored to their personal interests. Alexander does not contain any disclosure or suggestion of

offering goods or services upon a precondition of viewing a sponsor message, where the goods or service offered is via a facilitator.

Closest Foreign Prior Art

Neilsen (EP 0913789)

Neilsen discloses sponsors of websites may want to provide users with hyperlinks to other online content, some of which may require a payment to view or download. Neilsen discloses enabling a site visitor to access the payment required content for free. Neilsen, however, neither alone nor in combination with supporting prior art teach and suggest the ordered combination of a second step of selecting a sponsor message to be associated with at least one of said media products, said sponsor message being selected from a plurality of sponsor messages, said second step including accessing an activity log to verify that the total number of times which the sponsor message has been previously presented is less than the number of transaction cycles contracted by the sponsor of the sponsor message, a fourth step of offering to a consumer access to a media product without charge to the consumer on the precondition that the consumer views the sponsor message, and subsequent to a ninth step, a tenth step of receiving payment from the sponsor of the sponsor message displayed.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Art Unit: 3625

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', written in a cursive style.

Robert M. Pond
Primary Examiner
June 11, 2007